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Held at the Palais Wilson, Geneva, on Tuesday, 16 October 2018, at 3 p.m.

Chair: Mr. Politi (Vice-Chair)

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In the absence of Mr. Shany, Mr. Politi (Vice-Chair) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of Bulgaria (CCPR/C/BGR/4 and CCPR/C/BGR/QPR/4)

1. *At the invitation of the Chair, the delegation of Bulgaria took places at the Committee table.*

2. **Mr. Sterk** (Bulgaria), outlining some significant improvements to the legal system, said that in 2013 the Council of Ministers had established a National Coordination Mechanism for Human Rights, which considered and proposed accession to new international human rights instruments. It also recommended the relevant amendments to domestic legislation and adjustments to administrative practices. It comprised ministers and heads of State agencies, as well as representatives of independent institutions and non-governmental organizations (NGOs).

3. In 2014, the Government had decided to grant lump-sum compensation to individual complainants in cases where United Nations treaty monitoring bodies had advocated the payment of damages. In 2015, the National Coordination Mechanism had approved a legal procedure for that purpose.

4. In 2011, the Ombudsman and the Commission for Protection against Discrimination (CPD) had been given B status under the Paris Principles. Since then, in order to comply with the recommendations of the Sub-Committee on Accreditation, measures had been adopted to ensure that the Ombudsman could protect and promote human rights, to strengthen her engagement with the human rights system and civil society organizations and to increase the transparency of the appointment and selection process. The National Parliament had adopted the requisite amendments to the Ombudsman Act and an application for A status had been submitted.

5. Between November 2015 and May 2016, Bulgaria had chaired the Council of Europe Committee of Ministers. During its term of office, it had focused on protecting the rights of the child, safeguarding the media against external influence, widening young people's access to culture, protecting vulnerable groups and ensuring respect for the rights of migrants and refugees.

6. During its Presidency of the European Union Council of Ministers in the first half of 2018, its priorities had been to improve the opportunities for inclusive education of children with disabilities, to ensure young people's participation in decision-making processes and to protect migrant and disadvantaged children. It had also sought to foster the dialogue on gender equality and to counter stereotypes and prejudices against persons belonging to ethnic, religious, linguistic or sexual minority groups, inter alia by combating anti-Semitism. Moreover, it had brought attention to bear on the interconnection between freedom of speech and expression and freedom of religion or belief.

7. In order to guarantee the transparent drafting of the State party's report, all the relevant human rights authorities, interested NGOs, the CPD and the Ombudsman had been actively involved in its preparation. Their involvement demonstrated not only the importance attached to the role of civil society but also the Government's frankness about how it was meeting its obligations under the Covenant, the challenges it was facing and the good practices which had been introduced.

8. After the amendment of the Commercial Register and Register of Non-Profit Legal Entities Act in 2018, it had become possible to file an appeal with a district court against a judicial refusal to register an association with "political objectives".

9. In 2017, the Code of Criminal Procedure had been amended with a view to reducing the length of court proceedings and avoiding unjustified delays in pretrial investigations. Some shortcomings in the judicial review of the lawfulness of detention had been eliminated and safeguards regarding criminal and administrative liability had been introduced in order to comply with the *ne bis in idem* rule.

10. The number of children in institutional care had fallen by 90 per cent. During the final phase of the deinstitutionalization process, which should be completed by 2025, the transition from institutional care to community-based services would be facilitated by providing the support children needed to become confident and independent young people.

11. In the autumn of 2018, his country had been elected to the Human Rights Council with the overwhelming support of the members of the General Assembly. He regarded that election as recognition of the State party's commitment and efforts to ensure the most effective and efficient implementation of the highest international standards concerning the promotion and protection of human rights, including those embodied in the International Covenant on Civil and Political Rights.

12. **Ms. Cleveland** said that the Committee appreciated the State party's follow-up to its recommendations regarding police misconduct and excessive use of force and on judicial independence. The Committee was also grateful for the wealth of general information provided in the State party's report.

13. She would welcome clarification of the process followed when preparing reports to the Committee and other treaty monitoring bodies and acting on the Committee's concluding observations. Did the National Coordination Mechanism coordinate that process, and did the process include engagement with civil society and the legislature? It was disappointing that the delegation did not include representatives of civil society. It would be helpful to have examples of cases in which national courts had applied the Covenant.

14. She wished to know whether there were any plans to incorporate the prohibition of discrimination on grounds of gender identity in the provisions of the Protection against Discrimination Act. She would appreciate information on measures taken to prevent discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, including in the context of employment. Since it would appear that the investigation of sexual orientation as a hate motive was left to the discretion of prosecutors, she asked what plans the Government had to include sex, sexual orientation and gender identity as aggravating factors for hate speech and hate crimes in articles 162 and 163 of the Criminal Code. To what extent was hate speech prompted by sexual orientation and gender identity addressed under the current Radio and Television Act? She wondered what processes were in place to deal with complaints related to hate crimes and hate speech based on LGBTI status, how many investigations and prosecutions had been pursued and what the outcomes had been. She was curious to know whether there were any plans to recognize civil unions or the marriage of same-sex couples and to ensure equality, including access to reproductive treatment, for same-sex couples. The delegation should respond to reports that local authorities had denied the civil registration of same-sex couples who had married abroad and of their children. She would appreciate an explanation of the process for gender reassignment and asked what plans there were for making that process more accessible.

15. In light of the Constitutional Court's finding that the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) was contrary to the Constitution on grounds that the Bulgarian Helsinki Committee deemed to be gender stereotyping and transphobic, she asked what steps were being taken to overcome the aforementioned decision's negative consequences and to promote equal legal status for members of the LGBTI community. She wished to know what measures were being put in place to sensitize government officials and the general public to the rights of LGBTI persons and to promote awareness and tolerance, including in state-run schools.

16. She would welcome information on the extent to which the State party's Government had studied the concluding observations of the Committee on the Rights of Persons with Disabilities (CRPD/C/BGR/CO/1). Was there a process and timeline for implementing them? Lastly, she wished to know what was being done to combat stigma and prejudice among government officials, medical service providers and the general public against persons living with HIV/AIDS, what action was being taken to prevent and punish failure to treat HIV/AIDS patients by physicians and other medical practitioners, and what efforts were being made to prevent infection among young people.

17. **Ms. Pazartzis** said that the Committee would particularly welcome information about the actual remedies that domestic courts could order in cases where individuals claimed a violation of the rights embodied in the Covenant and on how the accessibility of those remedies was ensured in practice. She asked whether lawyers were able to attend the human rights training programmes mentioned in paragraphs 38 to 41 of the State party's report. She would also like to know whether the Committee's recommendations were disseminated to the public in a manner such as to raise an awareness of them.

18. It would be helpful to have details of moves to bring the Ombudsman and the CPD into full compliance with the Paris Principles. Had effect been given to the amendments to the Ombudsman Act in order to address the lack of a broad mandate to promote and protect human rights, the lack of a transparent and participatory selection procedure, and the lack of protection from legal liability for actions undertaken by members of the CPD in their official capacity? She also wished to know if the State party intended to amend the Protection from Discrimination Act in accordance with the recommendations of the Sub-Committee on Accreditation.

19. She would appreciate information on specific instances of compensation awarded to authors of communications, and on compliance with other measures recommended by the Committee. What developments had there been in respect of communication No. 2073/2011, *Liliana Assenova Naidenova et al. v. Bulgaria*?

20. **Ms. Kran** said that she would appreciate clarification of the law on counter-terrorism and a translation of the Combating Terrorism Act. In particular, she wished to know whether the President, acting with the approval of the National Assembly, could declare a state of emergency after any act of terrorism and impose blanket bans on public rallies, meetings and demonstrations without any oversight. What safeguards existed to ensure that peaceful protesters and political opponents were not prosecuted under counter-terrorism provisions? She asked whether the law permitted administrative control measures without prior judicial authorization. In the event of property being damaged owing to a peaceful protest, what oversight mechanisms existed to prevent the organizers of the protest being prosecuted under counter-terrorism provisions? She wished to know if any children under the age of 18 had been prosecuted under those provisions and the outcome of any such prosecutions. She would appreciate information on how teenagers who had been recruited by terrorist groups would be protected from prosecution under article 109 of the Act.

21. She wished to know whether the State party had any plans to ensure that the imposition of statutes of limitation did not facilitate impunity for torture. It would be useful to know how many allegations of torture had been dismissed because the applicable statute of limitations had expired. Did the State party plan to pass legislation criminalizing torture and inhuman and degrading treatment in a manner that was fully consistent with international standards?

22. It would be interesting to know whether the State party had a national system for the collection of data on complaints and prosecutions opened against, and disciplinary and criminal penalties imposed on, law enforcement officials in relation to ill-treatment. She would also like to know whether the Ministry of Interior kept information on the unlawful use of force. Were there plans to establish an independent oversight mechanism to monitor cases of criminal conduct by law enforcement officials?

23. The Committee would welcome information on any measures that the State party had taken to address the reported extensive lack of fundamental safeguards afforded to persons deprived of their liberty. Was information on the rights of persons deprived of liberty made available in multiple languages and in a manner that did not encourage them to waive their rights? What progress was being made in the enforcement of legislation to facilitate the prosecution of racially motivated hate crimes by the police, including against Roma people? How did the State party ensure that migrant victims were not fearful of making complaints of physical abuse and theft by the police? Furthermore, it would be useful to know how many criminal proceedings had successfully been brought in cases of alleged abuse by police officials in the previous five years and what their outcomes had

been. In general, more information on measures that the State party was taking to prevent unlawful behaviour on the part of law enforcement officials would be welcome.

24. She would appreciate additional information on measures that the State party was taking to improve conditions in penitentiary establishments and the budgetary allocations for those measures. What efforts were being made to train and motivate prison staff to prevent inter-prisoner violence? Lastly, it would be interesting to know how the State party planned to decrease the frequency with which life sentences without parole were imposed, as well as to have further general information about what the Government was doing to conform with the standards of the Covenant as they applied to prison conditions.

25. **Mr. Koita** said that he was interested to know whether the Government planned to attempt to increase the rate of full and effective investigations into hate crimes and take measures against their perpetrators. What steps was the Government taking to collect comprehensive disaggregated data on complaints, investigations and prosecutions involving hate crimes? Did the Government systematically condemn all hate crimes and make it clear that they would not be tolerated? It would be useful to have a full account of the measures that the Government was taking to raise awareness among the population of the importance of diversity and the elimination of all forms of racial discrimination; to bring its media legislation in line with international standards; and to strengthen the mandate and capacity of the Council for Electronic Media to discourage, prevent and sanction racism in the media. He would welcome the delegation's comments on reports that Mr. Valeri Simeonov, a member of the Government and the chair of the National Council for Cooperation on Ethnic and Integration Issues, had been found guilty by a district court of violating anti-discrimination legalisation by making an anti-Roma hate speech in the National Assembly.

26. He wished to know whether the State party had adopted any plans for the implementation of the Equality between Men and Women Act and, if so, what tangible impact they had had on gender equality and the participation of women in public life. The delegation should clarify what mechanisms the Government planned to employ to encourage political parties to ensure that women had equal representation on electoral lists, and whether it envisaged measures to facilitate women's access to high-ranking positions in the public administration. He would also welcome the delegation's response to criticism that the Equality between Men and Women Act was superficial, lacked real legal content and was generally not fit for purpose. Additional information on any measures taken by the Government to reduce the pay gap between men and women in the public and private sectors would be welcome, as would information on measures to improve access to employment for women, including Roma women and women from other marginalized groups. It would also be useful to have information on the implementation of the State party's legislation on employment discrimination and sexual harassment in the workplace.

27. On the issue of human trafficking, he wished to know whether the Government would focus on increasing the number of cases reported, as well as the number of related investigations, prosecutions and sanctions; ensuring the prompt identification of victims; making a sufficient number of shelters available to victims; reintegrating victims into society by giving them access to vocational training and the job market; and allocating sufficient human and financial resources to the National Mechanism for Referral and Support of Victims of Trafficking in Human Beings.

28. **Mr. Santos Pais** said that he wished to know what measures the Government was taking to prevent domestic and gender-based violence and would appreciate further information on the achievements of the programmes it had adopted to that end. It would also be useful to learn whether the State party planned to implement the recommendations of the working group on accession to the Council of Europe Istanbul Convention set up by the Ministry of Justice in 2016. What steps had the Government taken to collate statistics and analyse data on domestic and gender-based violence? Did the State party intend to allow for appellate procedures under the Protection against Domestic Violence Act? He wished to know what the State party was doing to overcome the numerous reported shortcomings in the way that its courts dealt with cases of domestic violence. Did the State party intend to criminalize domestic violence and marital rape through the Criminal Code and to repeal the provisions by which criminal proceedings against alleged rapists could be terminated if rapists married their victims? It would also be useful if the delegation could

explain what measures the State party intended to take to prevent the perpetrators of domestic violence from pressuring complainants to withdraw their charges by manipulating their family members and thus impairing their ability to bring witnesses forward.

29. He wished to know whether the Crime Victims Assistance and Financial Compensation Act was applicable to victims of domestic violence. If so, he would like to know how many persons had been awarded compensation in the previous three years and what order of compensation had been awarded. Additional information on any public campaigns to raise awareness of domestic violence, including campaigns conducted in schools, would be welcome. He also wished to know what training judges, prosecutors, law enforcement officials, border guards, prison staff, medical personnel and social workers had received in preventing violence against women. Lastly, he was interested to learn what treatment options were available to perpetrators of domestic violence, and whether the State party planned to increase the capacity of shelters so that they could take in a greater number of victims.

The meeting was suspended at 4.20 p.m. and resumed at 4.40 p.m.

30. **Ms. Spassova** (Bulgaria) said that the National Coordination Mechanism for Human Rights had been established in 2013 to ensure better coordination between the different stakeholders involved in protecting human rights. The Mechanism was chaired by the Minister for Foreign Affairs and its members included ministers from several other government departments, while representatives of NGOs were invited to attend meetings and contribute their opinions as part of the decision-making process. The Mechanism met at least twice every year and also held written consultations. In addition to monitoring the general human rights situation at the domestic and international levels, the Mechanism was also responsible for monitoring the implementation of recommendations received from human rights treaty bodies, studying whether Bulgaria needed to accede to other international treaties and tabling amendments to human rights-related legislation.

31. Bulgaria had set up an ad hoc mechanism to administer the payment of damages when recommended by a treaty body. Three compensation payments had been made in 2014, following complaints that had been upheld by the Committee on the Elimination of Discrimination against Women. The National Coordination Mechanism for Human Rights reviewed any requests for compensation before handing the matter over to the relevant government ministries to adopt orders and make arrangements for payments to be made. It was a flexible mechanism and the Government was open to recommendations on how it could be improved.

32. **Mr. Sterk** (Bulgaria) said that any international treaties that were ratified and promulgated by Bulgaria became part of national law and took priority over existing legislation. Magistrates and judges in the country received regular training in a range of topics, which was designed to enable and encourage them to invoke and apply human rights instruments, including the Covenant, in their rulings. With regard to communication No. 2073/2011, *Liliana Assenova Naidenova et al. v. Bulgaria*, the allegation of illegal eviction had been upheld and the petitioner had been compensated appropriately. In the view of the Bulgarian authorities, however, the complaints outlined in two other communications submitted to the Committee were, respectively, unfounded and inadmissible under article 2 of the Optional Protocol.

33. **Ms. Tsenova** (Bulgaria) said that equality before the law and non-discrimination were both fundamental principles of the Constitution, and her country made every effort to eliminate and prevent discrimination. The Protection against Discrimination Act prohibited indirect or direct discrimination on 19 separate grounds, including gender and sexual orientation. The Act had been amended on various occasions between 2011 and 2015 in order to strengthen it and to better define the State's responsibilities in preventing discrimination. All citizens of Bulgaria were freely able to choose their sexual orientation and gender identity, and there was nothing in the Bulgarian Penal Code that prevented judges from handing out harsher punishments in cases where a victim had been discriminated against because of his or her choice. Furthermore, in response to the list of issues published by the Committee in 2015, amendments to criminal legislation had been proposed in order to prohibit all offences committed against individuals or their property on

grounds of sexual orientation or gender identity. Those amendments were still under consideration.

34. **Ms. Topakbachian** (Bulgaria), referring to the case of *Liliana Assenova Naidenova et al. v. Bulgaria* (communication No. 2073/2011), said that municipal authorities had been in dialogue with representatives from the Dobri Jeliazkov community. The authorities in the Vuzrajdane subdistrict had complied with all the guidance they had received, including a recommendation from the Ombudsman not to take action on the removal of unlawful residents from their houses until all necessary conditions for alternative housing had been met. The Sofia Municipality had proceeded with the purchase of land, where new buildings would be constructed to provide social housing to disadvantaged individuals, including members of the Roma community.

35. **Ms. Kostadinova** (Bulgaria) said that her country had ratified the Convention on the Rights of Persons with Disabilities in 2012 and that national legislation was being adapted to incorporate the requirements of the Convention. The successful implementation of the Convention would require the active cooperation and involvement of NGOs and persons with disabilities, and an action plan therefore was being drawn up to better define the specific roles to be played by government bodies and other stakeholders.

36. The Ministry of Labour and Social Policy had recently drafted a new law on the rights of persons with disabilities, in consultation with that community and members of organizations that represented it. The draft included proposals for the development of a social inclusion policy for persons with disabilities and the establishment of a new legal framework for the promotion, protection and safeguarding of the rights of persons with disabilities. An action plan on the adoption of the new law had been drafted by members of the Government, the Office of the Ombudsman and organizations for persons with disabilities, outlining what was required in order for the act to be passed in January 2019. Subject to the positive outcome of discussions taking place at the National Council for Tripartite Cooperation, the draft law would be submitted to the Council of Ministers before the end of the week. The legislative process thus coincided with the reporting process under the Convention on the Rights of Persons with Disabilities.

37. **Ms. Spassova** (Bulgaria) said that the Government was committed to improving the situation facing persons with HIV/AIDS, hepatitis and other communicable diseases. The country was open to endorsing all global and European initiatives in that regard. The Government had developed an approach to combating HIV/AIDS based on the 90-90-90 treatment target, while a national three-year programme to prevent the spread of HIV/AIDS and sexually transmitted diseases aimed, among other things, to expand the scope of activities organized for the general population and for groups exposed to the highest risk of infection. The Ministry of Health was taking measures to guarantee the safety of blood donations and antiretroviral treatment, to provide free treatment for persons with HIV/AIDS, to improve the provision of post-exposure prophylaxis in the health-care system and to launch awareness-raising campaigns.

38. **Mr. Sterk** (Bulgaria) said that several remedies existed under Bulgarian legislation to guarantee the rights consecrated by the Covenant. It was widely understood that the country's courts applied the provisions of international human rights instruments in their work, although no concrete statistics were available on the number of instances in which the Covenant had been invoked by judges. Furthermore, all persons under the jurisdiction of Bulgaria could submit allegations of violations of the rights of the Covenant to the Ombudsman.

39. **Ms. Spassova** (Bulgaria) said that the Office of the Ombudsman was an independent State institution established to protect citizens' rights and freedoms. It considered complaints involving instances where rights had been violated as a result of the actions or omissions of State organs or private entities. In 2017, the Ombudsman had initiated the procedure to receive A status accreditation from the Global Alliance of National Human Rights Institutions. In order to comply with the recommendations issued as part of that accreditation process, action was required to strengthen the institution's engagement with the human rights system and civil society organizations and to increase the transparency of its selection and appointment processes. Such action would involve

making amendments to national legislation. The Ombudsman Act, for example, needed to be amended to ensure that the institution's mandate encompassed both the protection and the promotion of human rights. Parliament had adopted the relevant amendments in 2018 and the application for accreditation had already been submitted.

40. **Mr. Yordanov** (Bulgaria) said that the Academy of the Ministry of Interior provided human rights-related training for police officers. Its training courses covered a variety of relevant subjects, including police protection of human rights, international and European human rights treaties, and the appropriate exercise of police powers. The Academy benefited from various partnerships. Thanks to funding received from the Government of Switzerland, it had built a new training facility and created new training materials including textbooks and manuals. Some years previously, the Academy had also undertaken a project in collaboration with the Bulgarian Helsinki Committee. As part of the project, a special training manual had been developed and over 200 police officers had received training at 10 locations across the country. The Academy's work with the Bulgarian Helsinki Committee was ongoing; the head of the Committee had visited the Academy two months previously to discuss improvements to the training provided on detention and the fair treatment of detainees.

41. **Ms. Georgieva** (Bulgaria) said that the Combating Terrorism Act complied fully with international norms. With regard to the definition of terrorism, article 108a had been added to the Criminal Code in 2017 to enhance the efficiency of counter-terrorist action by incriminating certain acts, such as financial support for the recruitment of terrorists. The scope of articles 212 and 320 had been expanded to include incitement to terrorism, and the definition of documentary fraud under article 308 had been amended to cover cases of travel for the purpose of committing terrorist acts. The amendments had been adopted in response to recommendations by United Nations bodies and the Council of Europe and addressed provisions contained in the European Union Directive on combating terrorism. An additional amendment had been adopted in connection with the Convention on the High Seas. All terrorist acts committed on the high seas against another vessel or its crew or property would henceforth be punishable as maritime piracy.

42. Assessments of compliance with international human rights norms were conducted prior to the enactment of laws or statutes.

43. **Ms. Tsenova** (Bulgaria) said that the Ministry of Justice was currently undertaking an in-depth analysis of the compliance of Bulgarian legislation with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Bulgaria had also accepted the recommendation made during the second cycle of the universal periodic review to incorporate a definition of torture in its legislation. The Ministry of Justice had launched a large-scale analysis to determine whether the country was complying with the recommendations of international treaty bodies and whether further action was required. When the analysis was completed, a new Criminal Code including an explicit definition of torture would be drafted.

44. **Mr. Berner** (Bulgaria) said that the Ministry of Interior had established a Standing Committee on Human Rights and Police Ethics in 2002, which served as an advisory body on the protection of human rights and which supported cooperation between the Ministry and civil society. It had introduced a code of ethics for the Ministry and had issued instructions on the detention procedures to be followed by the police, the rights of detainees and conditions in detention facilities. The Standing Committee reviewed all documents received by the Ministry concerning the protection and promotion of human rights. Regional committees had also participated since 2017 in assessments of complaints of human rights violations.

45. A growing number of citizens had been addressing requests to the Standing Committee since early 2017. The Committee was therefore contemplating the establishment of a public council on which prominent human rights NGOs would be represented. According to the Ministry, the number of complaints received from detainees was still relatively small compared with the total detainee population, which amounted, on average, to between 55,000 and 60,000. Complaints of police violence had been filed in about 0.06 per cent of cases. The complaints had been held to be well founded in about

0.015 per cent of cases and the officers had been sanctioned. According to the Human Resources Directorate, 15 out of 202 complaints had been held to be well founded in 2013, and 7 out of 130 complaints had been held to be well founded in 2017.

46. **Mr. Yordanov** (Bulgaria) said that the curriculum of the Police Faculty of the Academy of the Ministry of the Interior included topics such as police powers and human rights and police law. They covered all police powers, such as their authority to detain, to resort to auxiliary means and to use force and weapons if absolutely necessary.

47. Police officers were required by law to issue an arrest warrant and to inform arrested persons of their legal rights. Detainees indicated in a statement whether they wished to exercise some or all of their rights. If they were illiterate or incapable of compiling a statement, police officers compiled it on their behalf; its content was dictated by the detainee in the presence of a witness, who validated the authenticity of the signature.

48. Detainees were entitled, pursuant to an administrative procedure, to contest the lawfulness of their detention before the courts. The court ruled forthwith on the complaint. They were also entitled to the assistance of defence counsel from the moment of their arrest. A list of available lawyers and the telephone number of the National Legal Aid Bureau were prominently displayed in detention facilities. If a detainee requested legal aid, the police officer on duty was required to respond immediately to the request and to inform the selected lawyer of the date of and grounds for detention and the detainee's condition. The time of contact with the selected lawyer and the time of his or her arrival were recorded in the detainee's statement.

49. **Mr. Petkov** (Bulgaria) said that his country implemented a progressive system of imprisonment and rehabilitation. There were 12 prisons, including 7 prison hostels where inmates served sentences of more than five years and 5 hostels for first-time offenders serving sentences of less than five years. Amendments to the applicable legislation, the most recent of which had entered into force in February 2017, provided effective remedies for inmates, who could complain to the courts if they were subjected to violence and receive compensation. They could also challenge the sentences handed down before the administrative courts. Each detainee was guaranteed 4 m^2 of living space and sentences were served close to the inmate's place of residence. Many inmates were released before serving their full sentence, provided the remaining term did not exceed three years and they had already served half of their sentence.

50. Norway Grants had provided more than €24 million of financial assistance for comprehensive improvements in a number of detention facilities. The funds would also be used for the construction of a new prison in Sofia for approximately 400 inmates. The new facility would include a training centre for prison staff. Prison hostels, workshops and other areas where inmates underwent rehabilitation had also been renovated. A total of 406 million leva had been earmarked for renovation of major detention facilities, including the prison hostel in Stara Zagora. The detention facilities in Gabrovo, Stara Zagora and Pleven were currently being renovated.

51. The latest amendments to the legislation provided for the transfer of inmates to external hospitals, as the Government continued to pay their health insurance contributions while they were serving their sentences. The authorities were considering the possibility of signing fixed-term contracts with physicians who could provide medical services within prisons and facilitate rehabilitation services. The major goal of the national health policy was to ensure that all inmates had equal access to health care throughout the country. Prison hospitals were financed pursuant to regulations approved by the Ministry of Justice. Where they failed to provide the full range of specialist services, contracts for such services were concluded with other hospitals. Specialist services were already available, however, in the prisons located in Sofia and Lovech.

52. **Ms. Kostadinova** (Bulgaria) said that the Equality between Men and Women Act had been adopted in 2016 to create the requisite institutional environment and to establish bodies and procedures for the implementation of equality policies. The National Strategy for Promotion of Gender Equality 2016–2020 had been drafted following a careful assessment of progress in implementing the Strategy for 2009–2015. There were special implementation plans for each year, with indicators monitored by the National Statistical

Institute. There was also a special plan for implementation of the recommendations of the Committee on the Elimination of Discrimination against Women.

53. According to the 2017 Gender Equality Index produced by the European Institute for Gender Equality, the Bulgarian index had risen from 38.1 in 2015 to 58.0 in 2017. According to the Eurostat database, the gender pay gap, which stood at 16.2 per cent for the European Union as a whole in 2016, was 14.4 per cent in Bulgaria. The National Statistical Institute had recorded unemployment rates during the second trimester of 2018 of 6.1 per cent for men and 4.7 per cent for women. The legislation contained provisions facilitating the reconciliation of employment with private life and childcare.

54. Women participated actively in political life. The 2017 Global Gender Gap Report of the World Economic Forum had ranked Bulgaria 18th out of 144 States. The reduction in the gender gap was due primarily to progress in the political empowerment sub-index, which reflected, in particular, gender parity in ministerial and parliamentary positions. Examples of high-ranking positions held by women included the offices of Speaker of the Parliament, Mayor of Sofia, Deputy Prime Minister and the Commissioner nominated to the European Commission. During the Bulgarian Presidency of the Council of the European Union in the first half of 2018, her country had identified women in the digital world as an important gender equality topic. The increasing participation of women in a predominantly male sector was indicative of social progress towards gender equality. According to the latest Eurostat data, Bulgaria ranked first in the European Union in terms of the proportion of women and girls in the information and communication technology sector. The average rate was 16.1 per cent and the rate recorded by Bulgaria was 27.7 per cent.

55. **Ms. Topakbachian** (Bulgaria) said that the issue of negative stereotypes, hate speech and discriminatory attitudes towards Roma had formed part of the National Roma Platform for 2016–2017 implemented by the national Roma contact point of Bulgaria. The goal of the Platform was to reinforce the consultation process, as well as dialogue and exchanges among all stakeholders involved in the National Strategy for Roma Integration at the national, regional and local levels. It also focused on communication through the media, which were an important partner in the integration process. The media were invited to take part in public events and had attended six regional forums. A total of 23 publications on the project had been disseminated through the print and electronic media, to raise awareness of the Roma community's needs and potential.

56. **Mr. Lashev** (Bulgaria) said that Bulgaria was a country of origin and, to a lesser extent, a transit country for trafficking victims. It was an integral part of the European Union comprehensive legal and policy framework to combat trafficking in human beings. In 2003 it had played a pioneering role in Europe in terms of the enactment of anti-trafficking legislation. It had penalized trafficking in line with the highest international legal standards and prescribed more severe penalties in cases where the victim was a child.

57. The National Commission for Combating Trafficking in Human Beings drafted an annual programme for the prevention and countering of human trafficking and the protection of victims, which was approved by the Council of Ministers. The current programme was valid for the period from 2017 to 2021. Various prevention campaigns had been launched in partnership with local authorities, academic institutions and NGOs to raise public awareness of the challenges faced by various population groups, including the Roma community. The decision to establish the National Mechanism for Referral and Support of Victims of Trafficking in Human Beings had been adopted by the Council of Ministers in 2016. Its main goal was to guarantee respect for the human rights of victims. In 2017 the Secretariat of the National Commission had received 104 human trafficking communications concerning 142 people, including 52 cases of sexual exploitation and 19 cases of labour exploitation.

58. Bulgaria adopted an interdimensional human rights and gender-based approach to the problem. It focused on prevention, victim protection, effective investigation procedures and the prosecution of perpetrators. Special training courses for judges were organized by the National Legal Institute and international organizations such as the Organization for

Security and Co-operation in Europe (OSCE). The law enforcement authorities also worked closely with Europol and Interpol.

59. The majority of victims trafficked for sexual exploitation were women and girls, and the National Commission provided special assistance to women victims in Government-funded shelters. A significant growth in trafficking for labour exploitation had also been recorded in recent years. There had been a marked increase in services on behalf of victims financed or co-financed from the State budget in 2017 and the first half of 2018.

The meeting rose at 6.05 p.m.

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Summary record of the 3543rd meeting
Held at the Palais Wilson, Geneva, on Wednesday, 17 October 2018, at 10 a.m.

Chair: Mr. Politi (Vice-Chair)

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Mr. Politi (Vice-Chair) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of Bulgaria (*continued*) (CCPR/C/BGR/4; CCPR/C/BGR/QPR/4)

1. *At the invitation of the Chair, the delegation of Bulgaria took places at the Committee table.*

2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting.

3. **Ms. Tsenova** (Bulgaria) said that, on 18 July 2018, the Constitutional Court had declared the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) to be unconstitutional. However, the Ministry of Justice and other stakeholders had drafted a number of legislative amendments aimed at preventing violence, including domestic violence, and protecting victims. The texts of those amendments were currently being discussed in working groups and would soon undergo a process of public consultation before being submitted to the Council of Ministers and, ultimately, to parliament. It had been proposed that the definition of bodily injuries should be expanded in order to criminalize all forms of domestic violence and that acts of psychological violence, including those committed in family settings, should fall under the Criminal Code. There were also plans to bring cyberbullying within the scope of criminal law. The definitions of a number of violent offences were being reviewed to ensure that victims were no longer required to file private complaints or petitions and to gather evidence themselves. It had also been proposed that failure to enforce a court judgment or order, which would include a domestic violence protection order, should be established as a specific offence.

4. Article 158 of the Criminal Code, which had allowed rapists who married their victims to avoid penalties, had been repealed in 2015 in accordance with the recommendations of a number of international bodies. The Government had earmarked funds for projects carried out by non-governmental organizations (NGOs) to raise awareness of domestic violence. In 2014, the focus of those projects had been on training magistrates who handled cases of domestic violence and on providing protection and assistance to victims. In 2015, the objectives had been to introduce services to rehabilitate perpetrators of domestic violence and train officials responsible for victim protection. In 2016, the Government had funded a school-based programme to raise awareness of domestic violence among teenagers. Statistics on the compensation paid to victims of domestic violence could be provided in writing, if the Committee so wished.

5. The procedure for collecting data on domestic violence was laid down in a set of guidelines on the organization of the prosecution service. Investigations were conducted into all cases of domestic violence, threats of domestic violence and breaches of protection orders. There were plans to establish a domestic violence response mechanism and a monitoring mechanism in the form of a consolidated database. It was expected that the first report based on those data would be generated in late 2018.

6. **Mr. Berner** (Bulgaria) said that the number of domestic violence protection orders submitted annually to the territorial directorates of the Ministry of Interior had increased from 1,253 in 2009 to 2,440 in 2017. There were 24 crisis centres in Bulgaria, 18 of which were for children. They had an overall capacity of 250 persons and were funded from the State budget and by NGOs. In 2017, 584 persons had been accommodated at the crisis centres, including 183 women victims of domestic violence. The country had a dedicated telephone helpline for victims of domestic violence, which had assisted over 30,000 persons since its establishment over 20 years previously.

7. **Ms. Cleveland** said that she had yet to receive replies to some of her questions on discrimination against the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, including her questions on the recognition of same-sex unions and the rights of transgender persons.

8. With regard to the treatment of migrants, refugees and asylum seekers, the Committee would appreciate a response to its request for information on investigations into the deaths of two Iraqi refugees at the State party's border. More generally, information on any investigations opened into reports of deaths, push-backs and other human rights violations at the border and on their outcomes would be welcome. She wondered what efforts were being made to strengthen the training provided to members of the border police on international standards for the protection of asylum seekers and migrants. What measures were being taken to ensure that all foreign nationals had a meaningful opportunity to request international protection; that asylum seekers received accessible information regarding their rights; and that assessments were made promptly, on a case-by-case basis and in a manner consistent with the State party's human rights obligations, including the principle of non-refoulement?

9. It would be useful to learn whether the State party planned to take measures to address concerns that the number of qualified interpreters at the border and in short-term detention facilities was inadequate, that persons in need of international protection were not promptly identified and that asylum seekers did not undergo psychological screening to identify vulnerable individuals, including victims of torture, trauma or trafficking. In addition, it was unclear what measures had been taken to ensure that asylum seekers, particularly those who were nationals of Iraq or Afghanistan, did not suffer discrimination on the basis of their country of origin during the assessment process and that any consent to return was truly voluntary. What measures were being taken to ensure that the basic needs of asylum seekers were met, and did the State party plan to establish a system to monitor reception centres with a view to identifying gaps in the provision of basic services? In the light of recent changes to the procedures governing the detention of asylum seekers, the State party should indicate what measures it was taking to ensure respect for the principle that, if asylum seekers were to be detained at all, they should be detained for as short a time as possible, as a last resort and on the basis of an individualized needs assessment.

10. With regard to the situation of children in need of international protection, the delegation should respond to concerns that the State party lacked an adequate age assessment procedure; that family tracing was not conducted promptly; that children were held at centres operated by the State Agency for Refugees without specialized care, alongside adults and in facilities that did not meet the minimum applicable standards; that the guardians appointed for unaccompanied minors were inadequately qualified and trained; and that children placed under the care of such guardians were at risk of trafficking. In addition, she would appreciate information on the steps being taken to eliminate the practices of registering unaccompanied minors together with unrelated adults and of registering them as adults, both of which served to circumvent the recently introduced ban on detaining unaccompanied minors. It would also be helpful to know whether the standard operating procedures introduced in early 2018 to identify and support vulnerable asylum seekers, including unaccompanied minors, had been fully implemented; how they had improved the identification and treatment of unaccompanied minors; and what other measures were being taken to improve the coordination of child protection and prioritize the best interests of the child in that context.

11. Turning to freedom of assembly, she would appreciate more information on the finding by the Internal Security Directorate that there was no evidence that police officers had acted unlawfully during the anti-government protests of July 2013. She wondered whether further measures had been planned to ensure that police officers received training in human rights, particularly with regard to freedom of expression and assembly and to the lawful use of force in the context of peaceful protest; what efforts had been made to ensure that reports of excessive use of force by police officers were effectively investigated and the perpetrators were duly punished; and what steps had been taken to ensure effective implementation of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

12. In its most recent annual report, Amnesty International had noted that Bulgaria was the lowest-ranked member State of the European Union on the World Press Freedom Index and that Victor Nikolaev, a television journalist, had been threatened with dismissal live on air. In that connection, she wished to know how the State party planned to reform its current laws and practices with a view to enhancing the protection of journalists and reducing political influence over the media; what measures were being taken to protect journalists from violence and ensure that any allegations of violence were effectively investigated; what plans were in place to increase the transparency of media ownership and financing structures and prevent the Financial Supervision Commission from imposing fines on journalists investigating the financial sector; what measures were being taken by the Commission on Protection of Competition to promote media pluralism; whether the State party planned to decriminalize defamation; and whether media outlets published information on their owners and major financial stakeholders.

13. **Mr. Koita** said that, in Bulgaria, persons with mental disabilities could be deprived of their legal capacity, which left them unable to vote, marry or even apply to have their incapacitation reviewed by a court. The State party's efforts to deinstitutionalize the system of care for such persons had been focused on building small group homes, rather than on developing community-based solutions. In that context, he would be grateful if the delegation could respond to reports that persons with disabilities experienced violence and ill-treatment in psychiatric hospitals and medical institutions, that they were physically restrained for extended periods and that investigations had not been carried out into deaths at such institutions, even when traumatic injuries had been present. It would be interesting to learn whether the judgment of the Sofia City Court dismissing an application for the incapacitation of a person with a mental disability had played a role in the preparation of the draft Natural Persons and Support Measures Act and in the broader process of reforming the incapacitation system.

14. He wondered whether the Government intended to establish an independent mechanism for monitoring psychiatric hospitals and medical institutions, and to end the participation of the officials of such institutions in decisions concerning admissions and guardianship arrangements. Did the Government plan to introduce alternatives to the confinement and medical psychiatric treatment of persons with mental disabilities and grant them the right to appeal against decisions to impose such measures? It would also be useful to know what steps had been taken to ensure that patients in psychiatric institutions did not experience ill-treatment in any form, including forced drug treatment and the use of chemical restraints, and whether, as had been claimed, patients at Radnevo psychiatric hospital had been slapped, kicked and punched by staff. He would appreciate an update on the status of the draft Natural Persons and Support Measures Act and wondered whether a time frame had been set for its adoption. Had any resistance been encountered in that regard?

15. He wished to know whether the State party planned to reform its legal framework to ensure equal treatment for religious communities and dissident groups within established religions, to allow non-traditional religions to register and operate without hindrance, and to repeal municipal ordinances that restricted the rights of religious minorities or discriminated against them. Lastly, he would be grateful if the delegation could respond to claims that religious communities, in particular Muslims and Jehovah's Witnesses, had been refused licences to construct places of worship or purchase land for that purpose, and that members of religious minorities had experienced harassment and discrimination.

16. **Ms. Kran**, noting that the Special Surveillance Means Act authorized telephone monitoring, said that she would like to know how many people had been officially notified that special surveillance means had been improperly used against them and what remedies had been provided to them. The delegation should give examples of cases where telephone monitoring had been authorized under the Act owing to the "exceptional difficulty" of obtaining information otherwise. She would like to know how the use of wiretapping in cases of exceptional difficulty, or where terrorism was suspected, conformed to the Covenant, and what action the State party planned to take to prevent illegal wiretapping in future.

17. The Combating Terrorism Act allowed for wiretapping of persons suspected of preparing terrorist acts for up to three years without periodic judicial review. She wished to know the determining criteria used in such cases and would appreciate receiving the most recent definition of terrorism. Under the Act, could the President, with the approval of the National Assembly, declare a state of emergency after any act of terrorism and impose blanket bans on public rallies, meetings and demonstrations without any oversight? Did the law permit administrative control measures to be taken, without prior judicial authorization, against individuals suspected of preparing or planning a terrorist act? The recently introduced anti-corruption commission seemingly had the power to use secret surveillance to target "corruptive behaviour" on vague grounds, without a clear and lawful purpose. The delegation should fully explain the current situation under the law.

18. She wished to know what efforts the State party had made to determine whether the recent brutal murder of the journalist, Ms. Viktoria Marinova, was related to her role in investigating corruption in the country. The delegation should comment on the appropriateness of the statement made by the Prosecutor General before the crime was investigated. The Committee wished to know whether an independent investigation would be held to determine the motive behind the murder and any connection with her work. What specific plans did the State party have to ensure the safety of journalists reporting on corruption? The Committee also wished to know what steps the State party was taking to include provisions allowing the submission of anonymous notices by third parties within its new anti-corruption legislation. Very few convictions for high-level corruption had been confirmed by final court decisions in Bulgaria. She would appreciate information about how the State party would make the necessary resources available to investigators and prosecutors and improve cooperation between them, and how it would ensure that investigators could hold senior officials accountable for corruption. How did the State party plan to increase public institutions' compliance with the requirement to publish their employees' declarations of conflict of interest, and what were the penalties for non-compliance?

19. The Venice Commission had noted that the Bulgarian Prosecutor General was virtually irremovable by impeachment for misconduct. The Committee wished to know what procedures were in place to ensure that official's accountability, and how the State party intended to implement the Venice Commission's recommendation that an independent body should be capable of conducting its own fact-finding during investigations into alleged misconduct by the Prosecutor General. Information would also be appreciated on the training and other support given to State attorneys to ensure their independence and effective defence of their clients' interests. Finally, the Committee would like information on the State party's plans to provide for independent oversight in cases of criminal misconduct by law enforcement officials.

20. **Mr. Santos Pais** said that he wished to know whether the State party envisaged amending the Election Code to allow the use of minority languages in election campaigns. He would appreciate receiving statistics on electoral candidates from minorities at national and local level, disaggregated by sex and ethnic community. The delegation should provide information on the sanction imposed on a member of the DOST Alliance for lobbying in Turkish during March 2017 elections and state whether the sanction had been challenged and if so, what had been the outcome of the challenge.

21. Moving to the juvenile justice system, he wished to know whether the new Diversion of Minors Away from Criminal Proceedings Act had been submitted to Parliament. The Committee also wished to know whether the State party was considering amending its Juvenile Delinquency Act to accommodate the recommendations of the European Court of Human Rights; whether it envisaged the creation of specialized juvenile courts and amendments to the relevant legislation, in order to secure a fair trial procedure and accessible, high-quality legal aid for children; and whether it would consider removing the mention of "anti-social behaviour" from its legislation and focus on prevention and social and educational measures instead. The delegation should comment on findings by the Committee on the Rights of the Child and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment that children as young as 8 years of age were in detention, that deprivation of liberty was not used solely as a measure

of last resort, that conditions in detention centres were poor and violence prevalent, that juveniles were placed in solitary confinement; and that the majority of detainees were Roma. He wished to know what measures had been taken to provide specific training to judges, prosecutors, police officers, investigators and social workers working with children, and whether the State party was developing alternative measures to custodial sentences.

22. He would appreciate information on the role of the State Agency for Child Protection and the Ombudsman in respect of children remaining in institutions, children in foster care and in the new family-type accommodation, and on whether there were other monitoring agencies involved. He also wished to know if an effective investigation had been held regarding the 292 deaths of children under 7 years of age in medical and social care homes for children between 2010 and 2014. The Committee would appreciate the delegation's response to allegations that the closing of the existing medical and social care homes for children had been postponed by at least one year. The delegation should provide data on the number of investigations and prosecutions following cases of negligence, harassment and violence against children in family-type accommodation and their outcomes, and respond to allegations that 751 children had been placed in institutional care in 2016; that family-type centres risked becoming a form of permanent institution; that 67 per cent of children in those centres continued to live in isolation; and that over 10,000 children lived in out-of-home care facilities separate from their families. He asked what measures had been taken to build the capacity of professionals working in those centres to deal with children with disabilities, and what measures the Government had taken to ensure funding, legal regulation and financial sustainability for the new services foreseen under the plan for 2016 to 2020.

23. The Committee wished to know what further reforms the State party intended to introduce to make the judiciary fully independent of the other branches of the Government and to strengthen its integrity and efficiency; what measures had been taken to prevent and punish cases of corruption within the judiciary or public prosecution; what measures would be introduced to remove the power of the Inspectorate to the Supreme Judicial Council to investigate complaints or participate in disciplinary proceedings against judges and public prosecutors; and what awareness-raising activities the State party would carry out to inform the public of the importance of a fully independent legal system.

24. The Committee had noted that the Prosecutor General had developed methodological guidelines to improve the effectiveness of criminal proceedings in cases of early marriage. He wished to know what effect the guidelines had had, how many cases had been prosecuted and what had been their outcomes. He also asked what measures the State party had taken to prevent the practice of early marriage, especially in Roma communities, whether those had proved useful, and what steps had been taken to increase the involvement of social workers, families, communities and children themselves in awareness-raising campaigns. The Committee on the Rights of the Child, in its 2016 concluding observations (CRC/C/BGR/CO/3-5), had recommended that Bulgaria should "establish a system to track all cases involving child marriage within ethnic groups, particularly Roma girls, and provide victims with shelter as well as appropriate rehabilitation and counselling services". He wished to know to what extent the State party had accommodated that recommendation and whether it collected data on early marriages, disaggregated by ethnicity. Did the State party intend to adopt legal measures to ensure that enforced marriages could be declared void, annulled or dissolved without undue financial or administrative burden for the victim?

25. **Ms. Pazartzis** said that she took note of the State party's position that it considered the Committee's Views on individual communications to be binding. She would appreciate more information about how those Views had been implemented in the case of *Liliana Assenova Naidenova et al. v. Bulgaria* (communication No. 2073/2011). She had understood from the delegation's responses that monetary compensation had been disbursed, but it was not clear whether alternative housing had also been provided.

26. A number of instances of hate crimes against religious minorities had been registered, particularly since 2017, but rates of prosecution seemed very low. In particular, the Committee was concerned about reports of attacks against members of minority religious denominations and vandalism of places of worship, discriminatory media

depictions of minority religious identity, local legislation limiting the activities of certain religious groups and criminal prosecutions against religious representatives.

27. According to information the Committee had received, proposed amendments to the Criminal Code would target "radical" groups that used religious beliefs for political goals, including "advocating changes to the existing constitutional order and the rule of law". However, the amendments apparently envisaged a very broad definition of "radical", prohibited preaching in any language other than Bulgarian and included provisions that would allow places of worship to be closed and foreign funding to be blocked. The delegation should respond to the Committee's concerns that such provisions, if they were to become law, could result in serious restrictions on the rights of many religious minorities. She hoped the delegation could provide more information about recent amendments to the Commercial Register and Register of Non-Profit Legal Entities Act, clarifying whether they were consistent with the right to freedom of association as enshrined in the Covenant.

28. Notwithstanding the steps taken to eradicate stereotypes and discrimination against Roma and Turkish populations, the Committee remained concerned about the apparent marginalization of the Roma community, including the fact that increasing numbers of Roma children attended what were de facto segregated schools. In addition, forced evictions were seemingly being carried out without prior notice or the provision of replacement housing. She looked forward to hearing the delegation's comments regarding alleged cases of forced evictions in Asenovgrad, Plovdiv and Sofia, and she would appreciate an update on the implementation and impact of the Framework Programme for Integration of Roma in Bulgarian Society (2010–2020).

29. She expressed the hope that the delegation could provide disaggregated statistics regarding the number of complaints of discrimination against Roma, Turkish or other minority groups, including the findings of any investigations and the outcome of any prosecutions. The Committee also lacked disaggregated data on the exact composition of ethnic, religious and linguistic minorities. Lastly, she would be interested to hear about any training on discrimination and minorities offered to State officials.

The meeting was suspended at 11.40 a.m. and resumed at noon.

30. **Mr. Sterk** (Bulgaria) said that information concerning the outcome of investigations into excessive use of force by law enforcement officials, the training offered to such officials, including the Border Police, and the principle whereby asylum seekers should only be detained as a last resort would be provided in writing.

31. **Mr. Berner** (Bulgaria) said that all allegations of push-back by the Border Police were duly investigated but none had been substantiated. Thanks to electronic surveillance equipment positioned along the Bulgarian-Turkish border, groups of refugees had been identified while still in Turkey and, in collaboration with Turkish colleagues, prevented from crossing the frontier into Bulgaria. That, however, did not amount to push-back. All officers working on the border were thoroughly trained and briefed, and each was issued with a copy of the human rights guidelines developed by the European Border and Coast Guard Agency (FRONTEX). Since the beginning of the refugee crisis in 2013, the frontier had been monitored by joint patrols made up of officers from FRONTEX and from the Border Police, thereby providing a further safeguard for human rights.

32. The Government had been making consistent efforts to carry out improvements and repairs in reception centres with a view to ameliorating living conditions and guaranteeing basic services for refugees and asylum seekers. The reception centre located in the town of Elhovo was currently closed pending a full renovation. There were no reports of any cases in which access to the centres or to the services they offered had been restricted. Migrants in Bulgaria had the right to file an application for asylum at any time, either at border crossing points or reception centres, or via an NGO. All refugees and asylum seekers were entitled to receive free legal aid. Assessments of migrants at reception centres were always carried out on an individual basis, and there had been no reports of citizens of particular States being treated in a discriminatory fashion.

33. **Ms. Spassova** (Bulgaria) said that the best interests of the child were the guiding principle when determining the needs of unaccompanied migrant children, in which regard

the Government cooperated closely with the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the Bulgarian Red Cross and NGOs. The authorities also made every effort to integrate children into social, educational and health-care programmes and to protect them from violence and discrimination. Procedures for locating family members with a view to reunification were overseen by the State Agency for Refugees, in cooperation with UNHCR and the Red Cross.

34. Under the Asylum and Refugees Act, unaccompanied migrant children were to be placed with relatives or foster families, or in specialized institutions. One reception centre in Sofia had a protected area for unaccompanied minors, with its own separate entrance, while another was being redesigned to accommodate unaccompanied minors and women with children. A new temporary accommodation centre for unaccompanied children was currently in the planning stage. Unaccompanied minors had full access to the State-run education system. A Bulgarian language curriculum was being developed for migrant pupils at the primary and secondary levels, and additional intensive language training was being provided.

35. **Mr. Berner** (Bulgaria) said that the actions of the police during protests that had taken place in front of the parliament building in July 2013 had been thoroughly examined by the competent bodies. Those bodies had found that the police had acted within the law to contain a mass breach of public order and that, at critical moments during the protest, they had used only sufficient force commensurate with the threat faced. There had been no mass repression against the protestors and, despite provocation, the police had managed to exercise self-control and prevent an escalation of tension. During the incident, both protestors and police officers had sustained injuries.

36. Police action on that occasion had also been scrutinized by prosecutors. As a result, charges of causing bodily harm had been brought against one officer, although he had later been exonerated by the courts. Subsequently, administrative sanctions had been imposed against the same officer and others for failing to exercise sufficient control. A number of administrative shortcomings related to the registration of detained persons had been identified, and improvements in police practice in that regard had been recommended.

37. **Mr. Sterk** (Bulgaria) said that the ranking of Bulgaria on the World Press Freedom Index was a matter of concern to the Government, which was considering steps to rectify the situation. All attacks against journalists were duly investigated by the authorities. The politician who had publicly voiced threats against the journalist Viktor Nikolaev had resigned his seat in the National Assembly. The recent murder of Viktoria Marinova was being investigated and all possibilities were being considered. According to current information, the killing was unpremeditated and the perpetrator's motive seemed to have been sexual in nature. Nothing had yet emerged to suggest that it was related to the victim's work as a journalist. Moreover, although Ms. Marinova had had a television show on which she had hosted journalists who conducted investigations into corruption and misuse of public funds, she herself had never undertaken such work directly.

38. The strong public reaction to the murder had placed the authorities under considerable pressure to investigate the case promptly and effectively. In fact, a suspect had been arrested in Germany and was due to be extradited to Bulgaria shortly. The strength of the reaction and the widespread public revulsion at attacks against journalists was also a testament to a mature and vibrant civil society. In addition, the killing had drawn attention to the issue of violence against women more generally and to the need to take further measures to combat that phenomenon.

39. Since the submission of its previous periodic report, the Government had made significant efforts to protect media freedom, which Bulgaria saw as the cornerstone of a democratic society. Print media outlets had an obligation to deposit declarations of proof of ownership before the Ministry of Culture, as a measure to promote transparency and prevent media ownership being concentrated in too few hands. Recent legislative amendments had introduced limitations on the establishment or acquisition of media outlets by persons who had already applied for or received a broadcasting licence under the Radio

and Television Act. Moreover, in 2015, the Government had introduced new regulations on the acquisition and merger of media outlets.

40. **Ms. Georgieva** (Bulgaria) said that the draft Natural Persons and Support Measures Act had been submitted to the parliament in August 2016; however, the discussions on that draft had been suspended because early elections had been called. It had recently been established by law that all bills must undergo an impact assessment, including an evaluation of their compliance with the relevant human rights standards; accordingly, steps had been taken to ensure that the provisions of the draft Act were compatible with the Convention on the Rights of Persons with Disabilities. The Act would empower persons with disabilities by providing for supported decision-making, as opposed to substitute decision-making. It would also provide for comprehensive support measures that would enable persons with disabilities to marry, to file for divorce and to fully exercise their reproductive rights. Protection measures would be taken only on the basis of a judicial decision, in cases where support measures had been deemed inadequate.

41. **Ms. Spassova** (Bulgaria) said that the Religious Denominations Act was in conformity with United Nations core instruments on human rights. According to the national study on equality and discrimination that had been conducted by the Commission for Protection against Discrimination, fewer than 6 per cent of cases of discrimination were based on religion. The Criminal Code had recently been amended to establish incitement to discrimination and violence on religious grounds as a criminal offence that was punishable by a prison sentence of up to 4 years, a suspended sentence or a fine. Data collected by the Council for Electronic Media showed that the majority of electronic media outlets displayed a balanced approach towards religious minorities.

42. All minority groups played an active role in political and public life. For example, the Movement for Rights and Freedoms, a party that represented the Turkish minority, was well established in political life at the national and local levels. Further details on the election rights of citizens, including those from ethnic minorities, could be found in paragraphs 186 to 193 of the State party's report. Bulgaria was participating in good faith in all processes related to the fulfilment of its obligations under the Framework Convention for the Protection of National Minorities. All cases of violence on ethnic or religious grounds were dealt with immediately by the competent authorities. She wished to emphasize, however, that attacks on religious shrines were rare and that isolated cases of violence could not be used as the basis for general statements about the overall situation in Bulgaria. Lastly, there were no special regulations governing the construction of places of worship.

43. **Mr. Berner** (Bulgaria) said that the use of special surveillance means to gather material evidence was governed by the Special Surveillance Means Act. Individuals could not be prosecuted and convicted solely on the basis of data collected using such means. As mentioned in paragraphs 176 and 177 of his country's report, the use of special surveillance means was subject to monitoring by an independent State authority. In cases where such means had been used unlawfully, the persons affected could request compensation from the State.

44. **Mr. Sterk** (Bulgaria) said that the Combating Terrorism Act contained the same definition of terrorism as the Criminal Code. Further information on that Act would be provided in writing within 48 hours. The anti-corruption commission had only recently been set up; its practices had not yet been clearly established.

45. **Ms. Georgieva** (Bulgaria) said that the bill on juvenile justice had been the subject of consultations, as well as an impact assessment carried out by a team from the Ministry of Justice, the outcomes of which had been discussed in March 2018. The aim of the bill was to ensure that minors in conflict with the law received support and were fully reintegrated into society. It provided for education programmes that were consistent with international standards, and a system of secondary and tertiary prevention. The current law on juvenile justice would be repealed and the existing framework of sanctions for juvenile offenders would be abolished. All juvenile detention centres would be closed and re-education centres, where offenders would spend between 3 and 12 months, would be set up. Measures taken in respect of juvenile offenders would be prescribed by the competent authorities, on

the basis of a thorough character assessment, taking into account any social or health-related problems faced by the offender. In certain circumstances, juvenile offenders would be entitled to request a judicial review of their case.

46. **Ms. Kostadinova** (Bulgaria), recalling that in support of its candidacy for election to the Human Rights Council Bulgaria had made a voluntary pledge to protect and promote child rights, said that the Government took the view that placing children in institutions constituted a violation of their rights, particularly the right to be raised in a family environment. It had therefore continued to implement its deinstitutionalization strategy, with the support of UNICEF; its aim was to complete the process by 2025. So far, the number of children in institutions had fallen by over 90 per cent. The number of specialized institutions for children had dropped from 137 in 2010 to 32 in June 2018. A total of 105 specialized institutions had been shut down, including all institutions for children with disabilities. Over 600 community-based services for children had been set up; those services were financed from the State budget. Significant investments had been made in order to strengthen the childcare system and to build the capacities of childcare specialists.

47. An updated action plan on deinstitutionalization had been adopted by the Council of Ministers in October 2016. In accordance with that plan, the Government intended to close all remaining specialized institutions for children, set up 149 new services and suspend the placement of children under 3 years old in residential care, except in cases where the child required special support. The implementation of the action plan was financed by the State budget, in combination with funding from the European Union. The experience gained during the process would help the Government to address other challenges, such as the deinstitutionalization of adults.

48. Between 2010 and 2014, there had been 238 cases of deaths of children in institutions. A total of 22 inspections had been carried out in connection with those cases. In the course of those inspections, no evidence of inhuman treatment of children by personnel had been established. In some cases, no autopsy had been performed before the child had been buried, owing to loopholes in the relevant regulations. Those regulations had therefore been amended and new standards had been introduced, under which specialized institutions were required to establish a procedure for the registration of deaths and to notify the competent authorities in such cases.

49. **Mr. Sterk** (Bulgaria), referring to the case of *Liliana Assenova Naidenova et al. v. Bulgaria*, said that the complainant had not been evicted from her dwelling. The question of means of redress other than monetary compensation was therefore no longer relevant.

50. **Ms. Topakbachian** (Bulgaria) said that a series of measures had been taken by the national and local authorities to tackle the problem of early marriage. Bulgaria was participating in JUSTROM, a programme run by the Council of Europe and the European Commission to improve access to justice for Roma women, including in cases of early marriage. Under that programme, two legal clinics had been set up to provide advice and raise awareness. Building on the success of the health mediators, labour mediators had been appointed to help Roma people to find employment. The profession of educational mediator had also been established; such mediators worked with the Roma community to prevent early school dropout. The mechanism that had been set up to combat early school dropout, through working groups involving a range of stakeholders, was now fully functional and would continue to operate indefinitely.

51. **Mr. Sterk** (Bulgaria) said that his Government would send additional information on the Commercial Register and Register of Non-Profit Legal Entities Act in writing within 48 hours. Up-to-date disaggregated data on minority groups could be provided once the next national census had been conducted in 2021.

52. In conclusion, he wished to emphasize that his Government remained committed to improving national safeguards for the protection of human rights. It would study the Committee's concluding observations carefully and endeavour to take them into account in its human rights policies. He hoped that some of the practices followed by Bulgaria in the field of human rights would serve as an example to other States.

53. **The Chair** said that he wished to thank the delegation for the open and constructive dialogue. The Committee appreciated the State party's willingness to provide relevant information and to recognize not only areas in which progress had been made but also areas in which improvements were needed in order to ensure compliance with the Covenant.

The meeting rose at 1.10 p.m.